

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
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OUR LADY OF MERCY MEDICAL	:
CENTER, <i>et al.</i> ,	:
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Debtors.	:
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	:
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**ORDER FIXING AND AWARDING (I) FOURTH INTERIM ALLOWANCE OF FEES  
AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD JUNE 1, 2008 TO  
DECEMBER 31, 2008 AND (II) FINAL ALLOWANCE OF ALL PRE-EFFECTIVE  
DATE FEES AND EXPENSES PREVIOUSLY PAID PURSUANT TO  
INTERIM ORDERS OF THE COURT TO THE DEBTORS' AND  
CREDITORS COMMITTEE PROFESSIONALS**

This Court having entered an Order dated December 18, 2008, confirming the Second Amended Chapter 11 Plan of Liquidation of Our Lady of Mercy Medical Center under chapter 11 of the Bankruptcy Code ("Plan"); and the Plan having become effective as of December 31, 2008, where upon Gilbert Barnett was appointed Plan Administrator; and upon the applications (the "Applications") for an order fixing and awarding (I) A Fourth Interim Allowance of Compensation and Reimbursement of Expenses for the period June 1, 2008 through December 31, 2008 and (II) A Final Allowance of All Pre-Effective Date Fees and Expenses Previously Paid Pursuant to Interim Orders of the Court for (i) Togut, Segal & Segal LLP, Bankruptcy Counsel for the Debtors and Debtors in Possession; (ii) Garfunkel, Wild & Travis P.C., Special Healthcare Counsel for the Debtors; (iii) Alston & Bird LLP, Counsel for the Official

Committee of Unsecured Creditors; (iv) Alvarez & Marsal Healthcare Industry Group, LLC, Financial Advisors to the Official Committee of Unsecured Creditors; (v) Neubert, Pepe & Monteith, P.C., Counsel for the Ombudsman; (vi) Focus Management Group USA Inc. and Daniel T. McMurray, as Medical Operations Advisor to Ombudsman and Ombudsman; (vii) Ernst & Young, Auditors for the Debtors and Debtors in Possession; and (viii) Montclair Partners LLC, Financial and Restructuring Consultants for the Debtors (collectively the “Professionals”);

**AND** good and sufficient notice of the Applications and the Hearing having been given as evidenced by the Affidavit of Service previously filed with the Clerk of the Court; and the United States Trustee having no objection to the Applications; and upon all of the prior proceedings had herein; and the Applications having been considered at a hearing conducted before the Court on March 26, 2009 (“Hearing”); and the Court having heard all parties in attendance at the Hearing; and upon the record made at the Hearing; and the decision reached at the conclusion thereof; and sufficient cause appearing therefor and the relief appearing reasonable and proper, and no further notice being required, it is

**ORDERED**, that the compensation and reimbursement of expenses sought pursuant to the Applications be, and hereby is, awarded, on a final basis, in the amounts set forth on the Schedule annexed hereto; and it is further

**ORDERED**, that the Plan Administrator be, and he hereby is, authorized and directed to pay or cause to be paid, to the extent not previously paid, the amounts

fixed and awarded hereby as set forth on the Schedule annexed hereto in accordance with the Applications.

DATED: New York, New York  
March 26, 2009

*S/Robert E. Gerber*  
HONORABLE ROBERT E. GERBER  
UNITED STATES BANKRUPTCY JUDGE

**OUR LADY OF MERCY MEDICAL CENTER, *et al.***  
**CHAPTER 11 CASE NO. 07-10609 [REG]**  
**FOURTH INTERIM PROFESSIONAL FEE APPLICATIONS**

<b>APPLICANT</b>	<b>DATE AND DOCKET NO OF APPLICATION</b>	<b>4<sup>th</sup> INTERIM FEE PERIOD</b>	<b>4<sup>th</sup> INTERIM FEES SOUGHT</b>	<b>4<sup>th</sup> INTERIM FEES AWARDED</b>	<b>PRIOR HOLDBACKS AWARDED</b>	<b>4<sup>th</sup> INTERIM EXPENSES SOUGHT</b>	<b>4<sup>th</sup> INTERIM EXPENSES AWARDED</b>
<b>TOGUT, SEGAL &amp; SEGAL LLP</b> Attorneys for the Debtors and Debtors-in-Possession	2/12/09 Docket No. 1324	6/1/08- 12/31/08	\$1,462,337.50	\$1,462,337.50	\$250,247.65	\$19,829.56	\$19,829.56
<b>GARFUNKEL, WILD &amp; TRAVIS, P.C.</b> As Special Healthcare, Regulatory, Corporate, Banking and Finance Counsel For The Debtors and Debtors in Possession	2/11/09 Docket No. 1319	6/1/08- 12/31/08	\$432,107.00	\$432,107.00	\$128,156.83	\$3,867.99	\$3,867.99
<b>ERNST &amp; YOUNG LLP</b> As Auditors for the Debtors and Debtors in Possession	2/19/09 Docket No. 1342	6/1/08- 12/31/08	\$148,557.50	\$148,557.50	\$20,172.27	\$259.00	\$259.00
<b>ALSTON &amp; BIRD LLP</b> Counsel for the Official Committee of Unsecured Creditors	2/6/09 Docket No. 1314	6/1/08- 12/31/08	\$388,030.50	\$388,030.50	\$113,705.20	\$9,037.97	\$9,037.97

**OUR LADY OF MERCY MEDICAL CENTER, *et al.***  
**CHAPTER 11 CASE NO. 07-10609 [REG]**  
**FOURTH INTERIM PROFESSIONAL FEE APPLICATIONS**

APPLICANT	DATE AND DOCKET NO OF APPLICATION	4 <sup>TH</sup> INTERIM FEE PERIOD	INTERIM FEES SOUGHT	INTERIM FEES AWARDED	PRIOR HOLDBACKS AWARDED	INTERIM EXPENSES SOUGHT	INTERIM EXPENSES AWARDED
<b>ALVAREZ &amp; MARSAL HEALTHCARE INDUSTRY GROUP, LLC</b>  As Financial Advisor to the Official Committee of Unsecured Creditors	2/13/09 Docket No. 1330	6/1/08-12-31-08	\$95,835.00	\$95,835.00	\$77,685.88	\$307.94	\$307.94
<b>NEUBERT, PEPE &amp; MONTEITH, P.C.</b>  Counsel for the Ombudsman	2/16/09 Docket No. 1332	6/1/08-12/31/08	\$3,841.00	\$3,841.00	\$14,651.68 <sup>1</sup>	\$345.39	\$345.39
<b>FOCUS MANAGEMENT GROUP USA INC and DANIEL T. MCMURRAY</b>  As Medical Operations Advisor to Ombudsman and Ombudsman	2/17/09 Docket No. 1333	6/1/08-12/31/08	\$8,712.00	\$8,712.00	\$27,173.40	\$1,322.14	\$1,322.14

**DATE: MARCH 26, 2009**

**INITIALS REG USBJ**

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<sup>1</sup> Neubert, Pepe & Monteith, P.C.'s holdback sought reflects an erroneous refund of fees to the Debtor.

**OUR LADY OF MERCY MEDICAL CENTER, *et al.***  
**CHAPTER 11 CASE NO. 07-10609 [REG]**  
**ALL FEE PERIODS**

<b>APPLICANT</b>	<b>TOTAL FINAL FEES SOUGHT</b>	<b>TOTAL FINAL FEES AWARDED</b>	<b>TOTAL FINAL EXPENSES SOUGHT</b>	<b>TOTAL FINAL EXPENSES AWARDED</b>
<b>TOGUT, SEGAL &amp; SEGAL LLP</b> Attorneys for the Debtors and Debtors-in-Possession	\$3,964,820.00	\$3,964,820.00	\$59,060.39	\$59,060.39
<b>GARFUNKEL, WILD &amp; TRAVIS, P.C.</b> As Special Healthcare, Regulatory, Corporate, Banking and Finance Counsel For The Debtors and Debtors in Possession	\$1,713,675.20	\$1,713,675.20	\$41,771.79	\$41,771.79
<b>MONTCLAIR PARTNERS LLC</b> As Financial and Restructuring Consultants for the Debtors and Debtors in Possession	\$72,840.00	\$72,840.00	\$1,414.00	\$1,414.00
<b>ERNST &amp; YOUNG LLP</b> As Auditors for the Debtors and Debtors in Possession	\$936,023.76 <sup>2</sup>	\$936,023.76	\$15,122.00	\$15,122.00
<b>ALSTON &amp; BIRD LLP</b> Counsel for the Official Committee of Unsecured Creditors	\$1,525,082.50 <sup>3</sup>	\$1,525,082.50	65,171.77	65,171.77

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<sup>2</sup> Ernst & Young LLP's Final Fee Application covers the period March 20, 2007 through December 31, 2008.

<sup>3</sup> Alston & Bird LLP's Final Fee Application covers the period March 16, 2007 through December 31, 2008.

**OUR LADY OF MERCY MEDICAL CENTER, *et al.***  
**CHAPTER 11 CASE NO. 07-10609 [REG]**  
**ALL FEE PERIODS**

<b>APPLICANT</b>	<b>TOTAL FINAL FEES SOUGHT</b>	<b>TOTAL FINAL FEES AWARDED</b>	<b>TOTAL FINAL EXPENSES SOUGHT</b>	<b>TOTAL FINAL EXPENSES AWARDED</b>
<b>ALVAREZ &amp; MARSAL HEALTHCARE INDUSTRY GROUP, LLC</b>  As Financial Advisor to the Official Committee of Unsecured Creditors	\$872,693.75 <sup>4</sup>	\$872,693.75	\$1,483.00	\$1,483.00
<b>NEUBERT, PEPE &amp; MONTEITH, P.C.</b>  Counsel for the Ombudsman	\$76,495.75	\$76,495.75	\$5,636.75	\$5,636.75
<b>FOCUS MANAGEMENT GROUP USA INC and DANIEL T. MCMURRAY</b>  As Medical Operations Advisor to Ombudsman and Ombudsman	\$280,446.00	\$280,446.00	\$27,264.97	\$27,264.97

**DATE: MARCH 26, 2009**

**INITIALS REG USBJ**

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<sup>4</sup> Alvarez & Marsal's Final Fee Application covers the period March 17, 2007 through December 31, 2008.